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**MS MISSING PARTS
PATENT
10/606,433**

IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicant: Joseph Lin Conf.: 6321
Appl. No.: 10/606,433 Group:
Filed: June 25, 2003 Examiner:
For: BODY BOARD

Letter and
Request for Correction/Withdrawal of Notice of Missing Parts
And Notice of Incomplete Reply

MS MISSING PARTS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

March 12, 2005

Sir:

In response to the Notice of Incomplete Reply (Nonprovisional) of March 1, 2005 (hereinafter "Notice of 2005", copy attached hereto as Appendix A), Applicant wishes to advise the USPTO that a Combined Declaration and Power of Attorney was already filed on June 25, 2003, to perfect Applicant's filing requirements, when the subject patent application was filed to the USPTO.

The filing requirements were perfected prior to the receipt of the Notice to File Missing Parts of Nonprovisional Application of Nov. 10, 2003 (hereinafter "Notice of 2003"), a copy of which is attached hereto as App. B.

As evidence of Applicant's previous submission of a combined Declaration and Power of Attorney in connection with the subject application, Applicant encloses a copy of the postcard (App. C) indicating receipt of said combined Declaration and Power of Attorney by the USPTO and payment of the appropriate fees by Applicant.

03/16/2005 HGTENAI 00000055 10106433

01 FC:2051 65.00 OP

Additionally, as soon as Applicant received the Notice of 2003, Applicant quickly transmitted a facsimile letter (App. D) on Nov. 20, 2003 to the IPE Division. The facsimile transmission informed the IPE Division that the combined Declaration and Power of Attorney was already filed on June 25, 2003, concurrently with the subject patent application. In this facsimile letter, Applicant also explicitly requested the Office to advise Applicant of its decision regarding perfecting the filing requirements. Applicant has attached a copy of the faxed Combined Declaration and Power of Attorney as received by the OIPE, with the receipt stamp date of Nov. 20, 2003 (App. E). This copy is downloaded from PAIR.

Within a month after Applicant's facsimile transmission, on Dec. 15, 2003, having not received any indication from the IPE Division, Applicant diligently called the IPE Division and spoke with one Mr. Walsh. Mr. Walsh re-assured Applicant that although no updated status was available, the files would eventually be matched up and processed in due course.

Since the Nov. 20, 2003 facsimile letter, Applicant has not received any correspondence from the OIPE or the USPTO regarding the status of the subject application, nor any disposition as to the Notice of 2003, or the perfected filing of the subject patent application.

Finally, almost 14 months later, after observing a lack of progress from PAIR, Applicant submitted a Status Inquiry to the USPTO. A copy of the submission, as received by the OIPE on Feb. 14, 2005 and downloaded from PAIR, is attached as App. F.

Now, almost 16 months later, in the Notice of 2005, the IPE Division finally notified Applicant that the subject application would be abandoned unless Applicant submits the \$65 fee for Late Oath or Declaration Surcharge. The Notice of 2005 also indicates that the period of reply remains as set forth in the Notice (of 2003), unless EXTENSION OF TIME is obtained.

The inexplicable delay in the IPE Division for almost 16 months has denied Applicant the any opportunity to correct the situation or remedy any deficiency in a timely manner. If Applicant had been timely advised of the disposition of Applicant's faxed submission on Nov. 20, 2003, or any alleged deficiency in the Late Fee, Applicant would have promptly resolved this issue with the USPTO at the earliest opportunity, in an effort to further prosecution of the subject application. Now, the 16-month delay in processing is potentially forcing Applicant to file a Petition to Revive, plus the extension fees, in order to avoid abandonment. This seems quite a severe penalty, when

neither the delay, nor oversight, was due to Applicant's fault. From the very beginning, Applicant has demonstrated diligence in responding to the requests from the USPTO, as explained above.

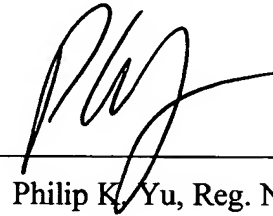
REQUEST.

In light of the above showing and explanation, it is respectfully requested that the Notice of 2003 and Notice of 2005 be corrected or withdrawn, and the subject application's filing requirements be deemed perfected as of its original filing date of June 25, 2003.

If, upon determination by the USPTO, a Late Fee of \$65 is nevertheless to be assessed, a check in that amount is enclosed for such purpose. If the Late Fee is not to be assessed, please issue a overpayment check to the undersigned Attorney.

Respectfully submitted,

By



Philip K. Yu, Reg. No. 35742

Attachments: Appendices A-F, as stated
Check No. 1444, \$65.

Philip K. Yu, Customer No. 30781
20955 Pathfinder Road, Ste. 100
Diamond Bar, CA 91765
626-965-1202

A



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/606,433	06/25/2003	Joseph Lin	4584-0103P

30781
 PHILIP K. YU
 20955 PATHFINDER ROAD
 SUITE 100
 DIAMOND BAR, CA 91765

CONFIRMATION NO. 6321

FORMALITIES LETTER



OC000000015301613

Date Mailed: 03/01/2005

NOTICE OF INCOMPLETE REPLY (NONPROVISIONAL)

Filing Date Granted

The U.S. Patent and Trademark Office has received your reply on 11/20/2003 to the Notice to File Missing Parts (Notice) mailed 11/04/2003 and it has been entered into the nonprovisional application. The reply, however, does not include the following items required in the Notice.

The period of reply remains as set forth in the Notice. You may, however, obtain EXTENSIONS OF TIME under the provisions of 37 CFR 1.136 (a) accompanied by the appropriate fee (37 CFR 1.17(a)).

A complete reply must be timely filed to prevent ABANDONMENT of the above-identified application. Replies should be mailed to: Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

- Late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(f) of \$65 was not received.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is \$65 for a Small Entity

- \$65 Late oath or declaration Surcharge.

Replies should be mailed to: Mail Stop Missing Parts
 Commissioner for Patents
 P.O. Box 1450
 Alexandria VA 22313-1450

A copy of this notice MUST be returned with the reply.

TQUSC#

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

BEST AVAILABLE COPY



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/606,433	06/25/2003	Joseph Lin	4584-0103P

CONFIRMATION NO. 6321

FORMALITIES LETTER



OC000000011176060

30781
 PHILIP K. YU
 20955 PATHFINDER ROAD
 SUITE 160
 DIAMOND BAR, CA 91765

Date Mailed: 11/04/2003

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is **\$65** for a Small Entity

- **\$65** Late oath or declaration Surcharge.

Replies should be mailed to: Mail Stop Missing Parts
 Commissioner for Patents
 P.O. Box 1450
 Alexandria VA 22313-1450

*A copy of this notice **MUST** be returned with the reply.*

03/17/2005 H&UTEM01 00000163 10606433 65.00 0P
 01 FC:2051

703-746-4060

T. May

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY

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900-
1-900-289-400

Papers Filed herewith on: June 25 2003
DOCKET NO.: 4584-0103 PTO
APPLICANT(S): AN Joseph 10/606433
APPLN. NO.: 06/25/03
PAT NO.: 06/25/03

DOCKET NO. 4584-0103P

- ☒ New Application with Transmittal Letter
☐ Utility ☐ Design ☐ CIP ☐ PCT ☐ Provisional
☐ Filing Under 37 CFR 1.53(b) ☐ CONT ☐ DIV
☐ Filing Under 37 CFR 1.53(a) (GRN)
☐ Filing Under 37 CFR 1.114 (RCE)
☐ Specification Consisting of: 10 pages
☒ Combined Declaration & Power of Attorney
☒ Assignment / Cover Letter
☐ Letter to Official Draftsman
☒ Drawings 2 Sheets ☐ Formal ☐ Informal ☐ Red-link
☐ Completion of Filing Requirements, PCT/DOE0805
or Formalities Letter and Executed Declaration
☐ Priority Document(s) / Cover Letter, No. Doc. _____
☐ Amendment:
☐ Transmittal Ltr ☐ Large Entity ☐ Small Entity
☐ Response
☐ Information Disc Stmt PTO-1449(s) doc(s)
☐ Notice of Appeal ☐ Appeal Brief
☐ Issue Fee Transmittal
☒ FEES: 1311 \$415.00
☐ Letter: _____
☐ Other: _____

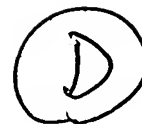
Receipt is hereby acknowledged of the papers filed as
indicated in connection with the above identified case.
COMMISSIONER OF PATENTS AND TRADEMARKS
Due Date: _____
Handbary: _____

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(C)

PHILIP K. YU
ATTORNEY AT LAW
REGISTERED PATENT ATTORNEY

20955 PATHFINDER ROAD, SUITE 100
DIAMOND BAR, CALIFORNIA 91765
TEL (626) 965-1202
E-FAX (702) 977-5930
e-mail inventioneering@yahoo.com



Facsimile Transmission

To: **USPTO, Initial Patent Examination Division** Fax: 703-746-4060

From: Philip K. Yu

Re: Application No.: 10/606,433

Total Page(s): 5 (w/ cover)

Date: November 20, 2003

Application No.: 10/606,433
Filing Date: 6/25/2003
Applicant: Joseph LIN
Confirmation No.: 6321

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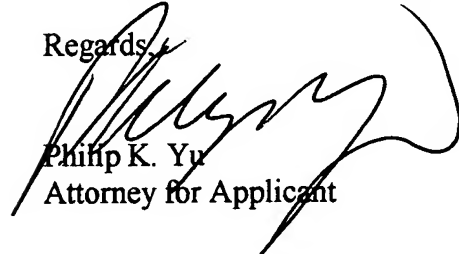
Dear Sir/Madam,

Further to the telephone conversation with the Customer Service Center on Nov. 20, 2003, Applicant respectfully submits the following documents:

1. Notice To File Missing Parts Of Nonprovisional Application dated 11/04/2003
2. Copy of Combined Declaration and Power of Attorney as originally filed in the subject application.
3. Copy of Return Postcard from the PTO, indicating receipt of the Application as filed.

Withdrawal of the Notice of Missing Parts is respectfully requested. Applicant would appreciate if the USPTO would inform Applicant as to the decision at its earliest convenience.

Regards,


Philip K. Yu
Attorney for Applicant

12/15/03
Mr. Walsh
not marked up
yet.